# Wizard of Oz AC

## Part 1 is EM

#### Meta-framework overview: Evaluate the resolution from an ethically modest or EM method of framework – that means you don’t decide on just one framework but evaluate it as just another weighing argument, where no one ethical argument has the strength to preclude all other contentions. Take into account aff offense even if I don’t have the best framework. Three reasons.

#### 1. Finite knowledge

Since we don’t have infinite knowledge about circumstances necessary to perfectly test any ethical theory, we should be modest about reasons for action.

#### 2. Decision making

Even if there are strong reasons to take one action, other variables affect our overall calculus, leading to modesty. Even if there is a 90% chance my coffee is not poisoned, risk of the 10% is a reason for me not to drink it.

#### 3. Ground division

EM removes arbitrary structural skews since all of our offense is still relevant, thus better than confidence which can arbitrarily limit ground.

## Part 2 is RE

Methodology first in the framework debate because it determines whether or not a judge evaluates if a warrant proves a claim. Prefer a RE methodology:

#### 1. RE is robust since it accounts for all moral principles that lie at the foundation of any ethical theory.

RE is the method for designating weights to these foundational principles, which affects the total weight that you give to any one moral theory. All frameworks start from some unjustified premise that cannot have independent justificatory force because the justificatory force is an outcome of the method of RE.

#### 2. Propositions have varying degrees of credence.

Since we don’t give the same credence to propositions and evidence, we need a method for analyzing which propositions get more weight than others. Thus, at a foundational level the question is not whether there are solid deductive reasons from premise to conclusion, but if there is good reason to have high credence in that premise.

#### 3. Objective argument evaluation.

The judge needs a coherent method for analyzing any debaters’ claims about which set of judgments have lexical priority in ethical decision making. Only RE allows considerations of both particular cases and general principles to be given weight in any round. RE is a preferable mechanism for the judge to evaluate moral arguments. If you were a particularist, you would have to prima facie exclude arguments that tell you to assign priority to general principles, thus allowing your prior assumptions to have an affect on which debater you vote for.

## Part 3 is the Veil

#### Morality suggests impartiality. Since justice aims to give each their equal due, norms applicable to certain social positions can’t be norms of justice. The veil uniquely demands that we choose principles that we’d deem acceptable from any social position and hence that can be seen as impartial.

#### The most impartial ethical system based on individual agreement is veil of ignorance. Freeman 12:

Freeman, Samuel, "Original Position", The Stanford Encyclopedia of Philosophy (Spring 2012 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2012/entries/original-position/>. The original position is a central feature of **John Rawls's social contract** account of justice, “justice as fairness,” set forth in **A Theory of Justice** (TJ). It **is designed to be a fair and impartial point of view that is to be adopted in our reasoning about fundamental principles of justice.** **In** taking up **this point of view, we are to imagine ourselves in the position of free and equal persons who jointly agree upon and commit themselves to principles of social and political justice.** **The main distinguishing feature** of the original position **is “the veil of ignorance”: to insure[s] impartiality of judgment, the parties are deprived of all knowledge of their personal characteristics and social and historical circumstances**. **They [have] do know of certain fundamental interests they all have,** plus general facts about psychology, economics, biology, and other social and natural sciences. The parties in the original position are presented with a list of the main conceptions of justice drawn from the tradition of social and political philosophy, and are assigned the task of choosing from among these alternatives the conception of justice that best advances their interests in establishing conditions that enable them to effectively pursue their final ends and fundamental interests. **Rawls contends that the most rational choice** for the parties in the original position **are the two principles of justice. The first principle guarantees the equal basic rights and liberties needed to secure the fundamental interests of free and equal citizens and to pursue** a wide range of **conceptions of the good. The second principle provides fair equality of educational and employment opportunities enabling all to fairly compete for powers and prerogatives of office; and it secures for all a guaranteed minimum of the all-purpose means** (including income and wealth) **that individuals need to pursue their interests and to maintain their self-respect as free and equal persons.**

#### Thus, the standard is principles whose universal acceptance everyone could rationally will.

#### Prefer the standard 3 reasons:

1. Decisions behind the veil respect equality best A. individuals have no knowledge of their societal positions which stops them prefrencing their own desires in moral decisions B. all decisions are a promotion of primary goods, ensuring everyone’s interests are satisfied.
2. Only legislation from behind the veil is action guiding since individuals would simply choose to ignore moral laws that were based on the material distinctions of individuals, since they arbitrarily disadvantage some. Thus, all normative theories must be justified from a morally blind perspective.
3. Decisions behind the veil harmonize desires and values since agents promote their own interests by promoting rights of everyone.

#### Morality requires harmony between desires and values. Stocker 76:

Stocker, Michael. "The Schizophrenia of Modern Ethical Theories." The Journal of Philosophy 73.14, On Motives and Morals (1976): 453-66. JSTOR. Web. 02 Aug. 2015. <http://www.jstor.org/stable/10.2307/2025782?ref=no-x-route:0523ea38f7651d4ab3809e495bfae58a>. BS

An extreme form of such schizophrenia is characterized, on the one hand, by being moved to do what one believes bad, harmful, ugly, abasing; on the other, by being disgusted, horrified, dismayed by what one wants to do. Perhaps such cases are rare. But a more modest schizophrenia between reason and motive is not, as can be seen in many examples of weakness of the will, indecisiveness, guilt, shame, self-deception, rationalization, and annoyance with oneself. At the very least, we should be moved by our major values and we should value what our major motives seek. Should, that is, if we are to lead a good life. To repeat, such harmony is a mark of a good life. Indeed, one might wonder whether human life-good or bad-is possible without some such integration.

#### Argumentation implicitly assumes you have accepted the norms within the round and my right to speak, means you concede a conception of basic rights. Kinsella 96

N. Stephan Kinsella, “New rationalist directions in libertarian rights theory.” 1996

“The first rationalist argument that I will discuss is Hans-Hermann Hoppe's path-breaking *argumen ta tion ethic^.^* Professor Hoppe shows that **basic rights are implied in the activity of argumentation itself,** so that anyone asserting any claim about anything necessarily presupposes the validity of rights. Hoppe first notes that **any truth** at all (including norms such as individual rights to life, liberty and property) **that one would wish to discuss, deny, or affirm, will be brought up in the course of an argumentation,** that is to say, will be brought upin dialogue. **If participants in argumentation necessarily accept particular** truths, including **norms, in order to engage in argumentation, they could never challenge these norms in an argument without thereby engaging in a performative contradiction. This would establish these norms as literally incontestable truths.** Hoppe establishes self-ownership by pointing out that **argumentation, as a form of action, implies the use of the scarce resources of one's body. One must have control over,** or own, **this scarce resource in order to engage in meaningful discourse. This is because argumentation is a conflict-free way of interacting,** by its very nature**, since it is an attempt** to find what the truth is**, to establish truth,** to persuade or be persuaded by the force of words alone. **If one is threatened into accepting the statements or truth-claims of another, this does not** tend to **get at the truth,** which is undeniably a goal of argumentation or discourse. **Thus, anyone engaging in argumentation implicitly presupposes the right of self-ownership** of other participants in the argument, for otherwise the other would not be able to consider freely and accept or reject the proposed argument. Only as long as there is at least an implicit recognition of each individual's property right in his or her own body can true argumentation take place. When this right is not recognized, the activity is no longer argumentation, but threat, mere naked aggression, or plain physical fighting. **Thus, anyone who denies that rights exist contradicts himself since, by his very engaging in the cooperative and conflict-free activity of argumentation, he necessarily recognizes the right of his listener to be free to listen, think, and decide.** That is, any participant in discourse presupposes the non-aggression axiom, the libertarian view that one may not initiate force against others.

### Contention 1 is values

#### Equal liberties would be rationally willed by everyone because

#### A) Nobody would deny one’s rights to basic freedom without presupposing a pure egoistic theory of the good since to state such a claim would itself presuppose that basic liberties should not be extended to others. Thus after careful reflection, no one would be able to present a prima facie reason to deny someone basic liberties because I would never rationally choose that egoism ought to be universally accepted since it would impose severe costs on myself.

#### B) Abplanalp 10 clarifies and further warrants:

Abplanalp, Edward, "BACKGROUND ENVIRONMENTAL JUSTICE: AN EXTENSION OF RAWLS'S POLITICAL LIBERALISM" (2010). Philosophy Dissertations, Theses, & Student Research. Paper 2. http://digitalcommons.unl.edu/philosophydiss/2

Again, for Rawls, the first principle of justice—the equal liberty principle—maintains that every person must have the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all.10 A note of caution is in order here. While a fundamental idea is that basic liberties can only be restricted for the sake of other basic liberties, one should not understand the equal liberty principle as being a maximizing strategy.11 In his earlier TJ, Rawls did articulate the principle by saying ―each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.‖12 But consider that a society can always do more to enable its citizens to utilize their basic liberties. In fact, it is theoretically possible for a society to devote all its resources to ensuring that the scheme of equal basic liberties (whatever it turns out to be) is as extensive as possible. Of course, this would leave no resources for ensuring fair equal opportunity. It would also deplete assets that could be used to make sure that [rectify] social inequalities are distributed to the greatest advantage of the least well-off members of society (as required by the second principle of justice). Moreover, it would leave society with no resources to meet the intergenerational requirements of just savings. Accordingly, we shall follow Rawls in relaxing the equal liberty principle so as to guarantee only a fully adequate scheme.

This also implies that equal liberties are distributive, not aggregative since they concern the distribution of liberties not total well-being.

#### The veil would mandate that minors uphold their own values Shaw 12:

Shaw, David M., and Jacbo Busch. (Shaw works at the Institute for Biomedical Ethics, University of Basel, Switzerland) "Rawls and Religious Paternalism." Journal of Medicine and Philosophy 37.4 (2012): 373-86. NBCI. Web. 22 Aug. 2015. <file:///Users/deesweetslade/Downloads/J%20Med%20Philos-2012-Shaw-373-86.pdf>. BS

MacDougall (2010) argues that those intent on defending a liberal social theory will be committed to a certain surprising conclusion pertaining to debates within medical ethics. In particular, MacDougall argues that if we adhere to Rawls’s theory as it is promoted in his seminal work (Rawls, 1999), we ought consequently to recognize that freedom of conscience, and its corollary, the free exercise of religion, is the most important principle that guides those in the original position. Because parents act as custodians for their children and parents [they] must choose in accordance with their own conception of the good (which is a function of their religious views) when making decisions on behalf of their children, some of their choices will potentially put the lives of their children at risk. As an example, MacDougall considers the case of Jehovah’s Witnesses (JWs), who believe it to be immoral to accept (certain forms of) blood donation and who would rather end their lives than receive blood transfusions. When these people act as custodians for their children, they will choose in accordance with their conception of the good and, thus, will choose death for their children rather than have them receive blood transfusion. According to MacDougall, nothing in Rawls’s theory prevents them from choosing in this way; in fact, he argues, Rawls’s system ensures that people behind the veil of ignorance will choose principles that will protect their right to freedom of religion if they happen to be religious when the veil is lifted: “Legislators in the original position will be sure to select this principle over one which, for example, coerces minorities into adopting the majority religious viewpoint” (MacDougall, 2010, 132). Somewhat ironically, it can be argued that MacDougall is advocating exactly this: in the microcosm of society that is the family, the JW majority coerces the minority that is their child into adopting their religious viewpoint. As we shall see, those in the original position would also want to make sure that they weren’t subjected to the risk of bleeding to death by their parents’ religion should they turn out to be children on the lifting of the veil.

#### A theory of primary goods mandates that parties in the original positions would grant autonomy to adolescents. Shaw 2:

Shaw, David M., and Jacbo Busch. (Shaw works at the Institute for Biomedical Ethics, University of Basel, Switzerland) "Rawls and Religious Paternalism." Journal of Medicine and Philosophy 37.4 (2012): 373-86. NBCI. Web. 22 Aug. 2015. <file:///Users/deesweetslade/Downloads/J%20Med%20Philos-2012-Shaw-373-86.pdf>. BS

When deciding on behalf of children, such paternalistic decisions should, according to Rawls, be made guided by a theory of primary goods. Rawls does not have an elaborate theory about what primary goods are, but he does say that at the most basic level, primary goods are “the things which it is supposed a rational man wants whatever else he wants” (Rawls, 1999, 79). Thus, it would seem that there is a straightforward way to deny, then, that there is evidence in Rawls for arguing that adherence to the principle of conscience warrants actions that entails that the life of children shall be taken away. Surely, the most basic thing that any rational man/woman [agent] wants is the right to life and not to have his/her life ended prematurely (setting aside considerations such as him/her being in insufferable pain)? In response to this, however, MacDougall writes: The categories belonging to the theory of primary goods are broad enough to be applied in a number of incompatible ways. For example, freedom of religion and the good of medical care (if this could be considered a primary good) could be seen to conflict in the case at hand. It is not clear, on Rawls’ explanation, whether parents should conclude that a child will, in retrospect, be happy that his right to freedom of religion was protected . . . or whether he will rather wish that the good of medical care had been protected. (MacDougall, 2010, 138) MacDougall’s use of “in retrospect” here is rather surprising but typical of his blind spot regarding the fact that children who need, but do not receive, blood tend to die. This simple point undermines the detailed analysis he provides of how a JW child might feel in later life if he/she is not given the transfusion: it is a moot point, because he/she [they] will be dead. Furthermore, if we are speculating about whether freedom of religion or medical care is more important for a child, the answer must surely be medical care that will allow the child to survive in order to freely choose a religion once he/she reaches the age of reason.

### Contention 2 is the Difference Principle

After agreeing to basic liberties, individuals in the original position would agree to a difference principle, such that inequalities are only justified if they benefit the least well off. This is true per maximin reasoning- given that one would not know her position in society she would want to minimize her harms in the case she would be the worst off.

#### The young women are prevented from receiving adequate sexual health Davis 10:

Davis, Laura. (Davis is the Associate Director for Equity and Social Justice at Advocates for Youth) "Adolescent Sexual Health and the Dynamics of Oppression: A Call for Cultural Competency." Adolescent Sexual Health and the Dynamics of Oppression: A Call for Cultural Competency. Ed. Urooj Arshad. Advocates for Youth, Aug. 2010. Web. 24 Aug. 2015. <http://www.advocatesforyouth.org/publications/publications-a-z/539-adolescent-sexual-health-and-the-dynamics-of-oppression-a-call-for-cultural-competency>. BS

1) The historical and cultural context of reproductive and sexual rights, especially for women of color and low-income women, is one of persistent inequality. In designing prevention programs, service providers must recognize the impact of inequality on youth, especially on young women of color and youth from impoverished communities. Persistent inequality in U.S. health care has resulted in communities having painful memories of medical abuses, as well as anger, distrust, and suspicion of public health and medical providers and government agencies.4 Prevention programs that work with young women of color must not overlook the United States’ history of reproductive rights violations. For example, by 1982, approximately 24 percent of African American women, 35 percent of Puerto Rican women, and 42 percent of Native American women had been sterilized, compared to 15 percent of white women.4 The eugenics movement, the Tuskegee syphilis study, and recent efforts to restrict states from offering health services to immigrants all reflect racist and discriminatory reproductive health policies in the United States, as do efforts focused on distributing Norplant and Depo-Provera to low-income adolescents and welfare recipients.4 2) Prejudice and discrimination have strongly negative impacts on the health of young people. Prejudice and discrimination, at individual and institutional levels, contribute to high morbidity and mortality rates among youth. Research demonstrates that institutionalized homophobia results in high rates of violence toward GLBT youth in schools and communities. The violence and verbal abuse result in feelings of isolation as well as high rates of suicide and suicide attempts, substance use, and risk for HIV/STI infection among these youth.5 As a consequence of persistent abuse, as many as 28 percent of GLBT youth eventually drop out of school.6 In one survey of 500 GLBT youth of color, 46 percent reported that they had been the victims of violence from family, peers, or strangers.6 In another study of GLBT youth of color, 41 percent of females, and 35 percent of males had attempted suicide.6 Thus, it is evident that prejudice and discrimination often have an increasingly negative impact on the health of young people. 3) Young people face barriers and obstacles in sexual and reproductive health programs. Culture in the United States reflects extremely ambivalent feelings about the rights of minors, especially in regard to sexuality and reproductive health care. Contradictions and age-based discrimination are clearly evident in reproductive health programs and policies. Americans want teens to be sexually responsible. Yet, Americans also design and fund programs that deny teens the information and services they need to protect themselves from unintended pregnancy or HIV/STIs. Numerous legal barriers, such as confidentiality restrictions and parental consent or notification laws, restrict teens from obtaining adequate reproductive and sexual health information and services. While all youth are negatively affected by these age-related restrictions, some youth face additional barriers posed by prejudice and discrimination. For example, lack of health insurance among the working poor can prevent teens from these families from receiving urgently needed care, such as contraception and testing and treatment for HIV and other STIs.

#### Eliminating parental consent allows women to get access to abortion. Bruyn and Packer 04:

Bruyn, Maria De., and Sarah Packer. (Ipas works globally to increase women’s ability to exercise their sexual and reproductive rights and to reduce abortion-related deaths and injuries) Adolescents, Unwanted Pregnancy, and Abortion: Policies, Counseling, and Clinical Care. Chapel Hill, NC: Ipas, 2004. Print. BS

It is important to eliminate requirements for parental or spousal consent for abortion in the case of mature adolescents. The support of parents, guardians or partners is desirable for young women facing unwanted pregnancies. However, it is not always forthcoming, especially in cases of sexual assault by family members. In most cases, adolescents do involve their parents and guardians in their decisionmaking about unplanned and unwanted pregnancies. A 1991 nationally representative survey in the United States investigated abortion decisionmaking among 1,519 unmarried adolescents in states without parental involvement laws (Henshaw & Kost, 1992). The study showed that only 39% had an abortion without the knowledge of either parent; 54% of this group were already 17 years old, 43% were employed, 15% lived apart from their parents and 9% already had a baby. Among the adolescents younger than 15 years, 90% of their parents knew about the abortion. The same study showed that 30% of the teens who did not involve their parents had experienced family violence, feared such violence or were afraid they would be forced to leave home. 20 / Ipas Adolescents, unwanted pregnancy and abortion Parental consent requirements, or adolescents’ perceptions of them, can unnecessarily delay young women from seeking treatment. The Alan Guttmacher Institute calculated that second-trimester abortions among adolescents in Missouri increased by 17% after that state enacted its parental consent law (ACLU Reproductive Freedom Project, 2001).6